

## CHAPTER 1042

## WINE LICENSE

S. F. 2197

AN ACT relating to the sale of wine and creating a license therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section one hundred twenty-three point thirty (123.30), subsection three (3), paragraph c, is amended to read as follows:

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder or holders to purchase wine containing not more than seventeen percent alcohol by weight from the department only, and to sell such wine, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face "alcoholic liquor, limited to wine only."

Sec. 2. Section one hundred twenty-three point thirty-six (123.36), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Class "C" liquor control licenses which limit sales of alcoholic liquor to wine containing not more than seventeen percent alcohol by weight, a sum as follows:

a. Commercial establishments located within the corporate limits of cities of ten thousand population and over, four hundred fifty dollars.

b. Commercial establishments located within the corporate limits of cities of over fifteen hundred and less than ten thousand population, three hundred dollars.

c. Commercial establishments located within the corporate limits of cities of fifteen hundred population or less, one hundred fifty dollars.

d. Commercial establishments located outside the corporate limits of any city, a sum equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the license fee which is the larger shall prevail.

Sec. 3. Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1979, is amended to read as follows:

7. The department shall credit all fees to the beer and liquor control fund ~~and~~. The department shall remit to the appropriate local authority, a

sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within their respective jurisdictions. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located within their respective jurisdictions. ~~However, that amount remitted to--the~~ The appropriate local authority ~~out-of~~ to receive the fee collected for the privilege authorized under subsection 6 ~~shall--be--deposited~~ is the appropriate county which shall deposit the fee in the county mental health and institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

Approved May 21, 1980

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CHAPTER 1043  
DRAMSHOP LAW DEFENSE  
S. F. 2154

AN ACT relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section one hundred twenty-three point ninety-two (123.92), Code 1979, is amended to read as follows:

123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT OF BEER OR INTOXICANTS BY LICENSEES. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person or resulting from the intoxication of any such person, shall have a right of action, severally or jointly, against any licensee or permittee, who shall sell or give any beer or intoxicating liquor to any such person while he or she is intoxicated, or serve any such person to a point where such person is intoxicated, for all damages actually sustained. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability